REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-4 and 7-8 are pending, Claim 4 having been amended, Claims 5-6 cancelled, and Claims 7-8 added by way of the present amendment.

In the outstanding Office Action Claims 4 and 5 were rejected as being anticipated by Ghosh et al. (U.S. Patent No. 6,678,523); Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghosh in view of Kumar et al. (U.S. Patent No. 6,507,572); and Claims 1-3 were indicated as being allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter.

In reply, the Abstract and specification have been amended as requested.

Claim 4 has been amended to further clarify the inventive features of the retransmission control apparatus in a base station. The apparatus includes an error judgment part that performs an error judgment for the signal sent from a mobile station. The apparatus also includes a part receiving, from other base stations via a network, error judgment results in the other base stations each of which receives the signal. The apparatus also includes a part sending a response which indicates that retransmission is not required to the mobile station when the error judgment results of the other base stations and an error judgment result by the error judgment part indicates at least one result indicating no error. Finally, the apparatus includes a part sending a response which indicates that retransmission is required to the mobile station when every result of the error judgment results of the other base stations and the error judgment result by the error judgment part indicates that there is an error.

Ghosh describes a system in which a mobile station 110 transmits a frame from both BTSs 104 and 106. Each of BTSs 104 and 106 determines whether the frame contains any errors, and sends ACK or NACK messages to mobile station 110. The mobile station 110

then retransmits the frame only when both of the BTSs 104 and 106 send NACK messages to the mobile station 110.

In contrast, in Applicants' invention, a base station receives a signal sent from a mobile station, performs an error judgment for that signal and receives from other base stations via a network error judgment results in the other base stations, each of which receive the signal. The base station then sends a response indicating whether retransmission is necessary to the mobile station according to the error judgment results sent from the other base stations.

A feature of the present invention is that a base station receives error judgment results from the other base stations, and determines whether retransmission is necessary, and only that base station sends a response to the mobile station. In contrast, in Ghosh, both of the BTSs send ACK or NACK messages to the mobile station 110, and the mobile station 110 determines whether to retransmit the frame or not.

Moreover, in Ghosh, because all of the BTSs send ACK or NACK messages to the mobile station, there is a problem in that the communication channels between the mobile station and the BTSs are consumed by the large number of ACK and NACK messages. On the other hand, according to the present invention, since only the one base station sends a response to the mobile station, the problem with Ghosh is avoided. Furthermore, Ghosh does not suggest the claimed feature that one base station receives error judgment results from the other base stations, determines whether retransmission is necessary or not according to the error judgment results and sends a response to the mobile station. In Ghosh, the mobile station receives error judgment results from all of the BTSs.

Accordingly, it is respectfully submitted that Claim 4, as amended, patentably defined over Ghosh as Ghosh neither teaches nor suggests the feature of a part receiving from the other base stations via a network, error judgment results in the other base stations each

receiving the signal. Nor does Ghosh have a part that sends a response which indicates that transmission is required when every result of the error judgment results of the other base stations and the error judgment result by the error judgment part indicates that there is an error.

Because Claim 7 depends from Claim 4, it is respectfully submitted that Claim 7 also patentably defines over Ghosh.

With regard to Claim 8, the rejection of Claim 6 (now canceled) is based on Ghosh teaching all of the elements of Claim 4, but relies on Kumar for describing a mechanism for transferring control for sending a response to the base station for transmitting a stronger pilot signal. However, even if Kumar does describe this feature, this feature does not cure the deficiencies with regard to Ghosh with regard to Claim 4. Therefore, no matter how Ghosh is combined with Kumar, the combination neither teaches nor suggests all of the features of independent Claim 4 as well as Claim 6 which depends therefrom.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-4 and 7-8, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application as presently amended is respectfully requested.

Respectfully submitted,

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